

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 15

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ANTHONIUS J.H. SNOEYEN

Appeal No. 95-3691
Application No. 08/067,198¹

ON BRIEF

Before SOFOCLEOUS, MCQUADE and PAK, Administrative Patent Judges.

SOFOCLEOUS, Administrative Patent Judge.

ON REQUEST FOR REHEARING

Appellant has filed a request for reconsideration of our decision, mailed June 8, 1998.

¹ Application for patent filed May 25, 1993.

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A request for reconsideration shall state with particularity the points believed to have been misapprehended or overlooked in rendering the decision. 37 CFR § 1.197(b). The request states that the decision appears to have overlooked the fact that McNeely does not anticipate the claimed invention. In support of this assertion, the request argues that four limitations, one in independent claim 1 and the three in the dependent claims, are not shown by McNeely. The arguments now raised in the request were not presented in appellant's brief, but rather are now raised for the first time on reconsideration. For that reason, we could not have overlooked the complained of matters, since they were not raised. Moreover, it is well settled that the failure to present an argument, prior to a request for reconsideration, constitutes a waiver of the argument. In re Kroekel, 803 F.2d 705, 709, 231 USPQ 640, 642-643 (Fed. Cir. 1986).

Accordingly, the request is granted to the extent that we have reviewed our decision and is denied insofar as it seeks any modification thereof.

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No time period for taking any subsequent action in
connection with this appeal may be extended under 37 CFR
§ 1.136(a).

RECONSIDERATION DENIED

MICHAEL SOFOCLEOUS)	
Administrative Patent Judge)	
)	
)	
)	
)	BOARD OF PATENT
JOHN P. MCQUADE)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
)	
)	
)	
CHUNG K. PAK)	
Administrative Patent Judge)	

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MS/sld

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